

FILED
Clerk
District Court

Law Office of G. Anthony Long
P. O. Box 504970, Second Floor Lim's Bldg.
San Jose, Saipan, MP 96950
Telephone No. (670) 235-4802
Facsimile No. (670) 235-4801

AUG - 1 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA) CRIMINAL ACTION NO. 03-0001
Plaintiff)
v.)
VANN LE) DECLARATION OF
Defendant) DEFENSE COUNSEL

I, G. Anthony Long, hereby states as follows:

- 18 1. I am the attorney for defendant in this case.

19 2. Attached hereto as Exhibit 1 is a copy of an arrest warrant issued by the Commonwealth

20 Superior Court .

21 3. On July 11, 2005 the prosecution submitted a notice of it's intent to introduce prior bad

22 acts consisting of two uncharged burglaries, one uncharged theft and one uncharged

23 possession of unlawful firearm.

24 4. On July 11, 2005, the defense lacked knowledge and information concerning the

25 alleged burglaries and theft.

26

5. On July 29, 2005 the prosecution produced additional discovery and disclosures.
6. The documents produced on July 29, 2005 showed an interview of co-defendant Borja in March, 2003 in which Borja alleged Le was involved in the two burglaries and one theft.

I declare under penalty of perjury pursuant to the laws of the United States of America
that the above is true and correct and execute this declaration on this 1st day of August, 2005.

G. Anthony Long

LAW OFFICE OF G. ANTHONY LONG
P.O. Box 504970, 2nd Floor Lim's Building
San Jose, Saipan, MP 96950
Tel. No: (670) 235-4802 Fax No: (670) 235-4801

**LAW OFFICE OF
G. ANTHONY LONG,
EXHIBIT "**

**IN THE SUPERIOR COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

Commonwealth of the Northern)	Criminal Case #02-_____
Mariana Islands)	DPS Case #02-009639
)	
Plaintiff,)	DECLARATION OF PROBABLE
)	CAUSE IN SUPPORT OF THE
)	ISSUANCE OF AN ARREST
VS.)	WARRANT
)	
)	
LE, Vann)	
D.O.B: 06/12/1970)	
)	
Defendant,)	2 LE-00196
)	

Affiant, Detective Jesse L. Dubrall, being duly sworn deposes and says;

Affiant has been a Police Officer for the CNMI Department of Public Safety for the past three years, and am currently assigned to the Commonwealth of the Northern Mariana Islands, Department of Public Safety, Criminal Investigation Division under the Burglary Unit, to investigate any and all criminal violations with special attention to burglary, robbery and theft cases. I have participated in over 50 criminal case investigations and have arrested numerous defendants for various violations of laws. I have received numerous specialized training from the Department of Public Safety's Police Academy, CNMI Criminal Investigation Bureau, United States Drug Enforcement Administration-CNMI Drug Enforcement Task Force, CNMI Drug Enforcement Task Force, Institute of Police Technology and Management (IPTM), CNMI Attorney General's Office and the United States Attorney General's Office.

1. On September 6, 2002 DPS TASC along with S.I.S. executed two search warrants issued by Honorable Judge Edward Manibusan, based on a written affidavit prepared by your Affiant, relating to DPS Case Number 02-009639. Execution the warrants resulted in the recovery of four firearms; one of which was a black 9mm pistol (Beretta) with two magazine clips loaded with ammunition, recovered at about under the kitchen sink inside apartment number A-2, owned by Mr. Robert J. Fanoway (hereinafter to be referred to as FANOWAY), in Western Garapan. The other firearms, one of which was identified as a 9mm machine gun (TEC-9) also equipped with an undetermined amount of ammunition, was found in a black casing, recovered from inside the residence of Mr. Vann Le (hereinafter to be referred to as LE) located in Lower Navy Hill. It was also at LE'S residence that two other rifles were recovered.
2. FANOWAY was arrested and brought to the Kagman Community Center for interview. LE on the other hand could not be located. FANOWAY waived his rights and gave a statement claiming all firearms belonged to his employer LE. FANOWAY explained that on August 28, 2002 at about noontime, he was at LE'S residence when LE took out a

~~at LE'S residence when LE took out a black casing.~~ The casing contained a black Beretta and the TEC-9 machine gun. FANOWAY said LE told him the firearms were his, also mentioning to FANOWAY that the TEC-9, which was broken at the time, was soon to be repaired.

3. Further investigation by your Affiant revealed that LE left Saipan, bound for Japan, between August 30th 2002 and August 31, 2002. In LE'S absence FANOWAY took the Beretta from the black casing inside LE'S room and hid it under the kitchen sink at his apartment in Western Garapan where it was eventually found.

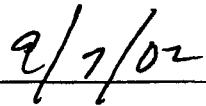
Based on the information contained in paragraphs 1 thru 3, your affiant believes and has probable cause to support the charges of **Possession of Firearms 6CMC-2230(b)**, as specified in our Commonwealth Codes. Therefore, your affiant requests this court to issue an arrest warrant for (1) **LE, Vann** and that bail be set at **\$5,000.00 USD**.

Affiant DECLARES UNDER THE PENALTY OF PERJURY that the foregoing is true and correct to the best of your affiant's knowledge, and that this declaration was executed this 7th day of September 2002 on Saipan, Commonwealth of the Northern Mariana Islands.

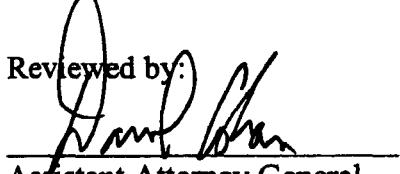
Signature of your affiant



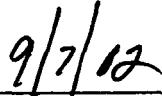
Date



Reviewed by:



Assistant Attorney General



2 LE-00197



Commonwealth Judge